IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.647 OF 2006

In

REVIEW PETITION NO.1 OF 2006

In

ORDER DATED 29TH OCTOBER, 2005 ON THE OFFICIAL LIQUIDATOR'S REPORT DATED 20TH OCTOBER, 2005.

Mrs.Rajashree P. Asubhe : Appellant

(Orig.Review Petitioner)

V/s.

The Official Liquidator,

Bombay High Court & Ors. : Respondents

...

Ms N.D.Buch with Ms B.B.Dholakia for the appellant.

Mrs.K.V.Gautam, Deputy Official Liquidator (present).

Respondent nos.2 to 4 present in person.

...

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : OCTOBER 16, 2006.

P.C.

1. We heard Ms N.D. Buch, the counsel for the appellant, and perused the impugned order.

2. In the affidavit of Mr.Vijay Pandurang Javadekar, the

following statements have been made:-

"9. Thus it is clear that the general practice followed in the Official Liquidator's office as far as company paid staff is concerned, is that informally a few of staff members are asked by the others to represent them and they in turn meet the concerned Judge, communicate the concerns of the staff to the concerned judge and communicate the decision of the concerned judge of the staff members. We have never followed a practice of electing the representatives or giving authority to them in writing and even communicating the concerns of the staff in writing.

10. It is in this context that what happened on 28th and 29th October 2005 needs to be viewed. In the last week of October 2005, we were told that we could meet Justice A.M.Khanwilkar in his chamber at 5.30 p.m. on 28th October 2005. The issue concerned ex gratia payment for the company paid staff. About 40 to 45 of the employees including myself went outside the chamber of Justice Khanwilkar on 28th October 2005. I may further mention here that Mrs.Rajashree Asubhe the review Petitioner was also present outside the chamber of Justice A.M. Khanwilkar at that time. The Chopdar (sic) of Justice Khanwilkar came out and told us that it was not possible to meet so many people in the chamber and therefore 4 - 5 representatives amongst the employees could come and meet Justice Khanwilkar. The staff which was standing outside the chamber of Justice Khanwilkar thereafter told myself, Mrs.Jog, Mr.Thakore as also one Mr.Nimande, Senior Assistant D.S. Jadhav Junior Assistant to meet Justice A.M.Khanwilkar. Accordingly all of us went inside the chamber of Justice Khanwilkar and communicated the concerns of the employees. At that time even the Official Liquidator and was present in the chamber with his court clerk Mr.Muley and Mr.C. Labde. The official

> Liquidator's report seemed to suggest inter alia that the company paid staff should associate themselves with the Group Superannuation Scheme and Group Insurance Scheme. We informed the Learned Judge that we will need to talk to other members of the staff and accordingly the matter was kept on the next date i.e. 29th October 2005 at 12.30 p.m. When we came out the staff members including the Review Petitioner were waiting in the corridor. We informed them about the developments and they all agreed to the suggestion of subscribing to the group insurance scheme and group superannuation scheme instead of ex-gratia."

3. It transpires therefrom that though the five members were not elected representatives of all the employees, but the discussion that was held by them with the Company Judge on 28.10.2005 was communicated to other employees and all of them agreed to the suggestion for subscribing to the Group Insurance Scheme and Group Superannuation Scheme instead of ex gratia.

4. In this view of the matter, the impugned order cannot be faulted. The appeal does not deserve to be admitted.

5. Dismissed in limine.

R.M. LODHA, J.

S.A. BOBDE, J.